

ESTTA Tracking number: **ESTTA307789**Filing date: **09/23/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Reliant Hospital Partners, LLC		
Entity	limited liability company	Citizenship	Texas
Address	15851 Dallas Parkway, Suite 500 Addison, TX 75001 UNITED STATES		

Attorney information	Deborah A. Wilcox Baker & Hostetler LLP 1900 East 9th Street #3200 Cleveland, OH 44114 UNITED STATES clevelandip@bakerlaw.com,dwilcox@bakerlaw.com Phone:216-621-0200
----------------------	--

**Registration Subject to Cancellation**

Registration No	3426134	Registration date	05/13/2008
Registrant	Reliant Management Group, L.L.C. Suite A 11959 Bricksome Avenue Baton Rouge, LA 70816 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 044. First Use: 2003/07/00 First Use In Commerce: 2003/11/00 All goods and services in the class are cancelled, namely: Physical rehabilitation; Providing physical rehabilitation facilities
--

**Grounds for Cancellation**

Other	Applicant never used mark for covered services prior to application or registration date
-------	--

Attachments	REL 502578781_1.pdf ( 3 pages )(20566 bytes )
-------------	---

**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/daw/
Name	Deborah A. Wilcox

Date	09/23/2009
------	------------

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,426,134  
Registration Date: May 13, 2008

RELIANT HOSPITAL PARTNERS, LLC	)	
	)	
Petitioner,	)	CANCELLATION NO. _____
	)	MARK: RELIANT
	)	REHABILITATION and Design
	)	
vs.	)	CLASS: 44
	)	SERVICES: Physical rehabilitation;
	)	Providing physical
RELIANT MANAGEMENT GROUP, LLC	)	rehabilitation facilities
	)	
	)	REGISTERED: May 13, 2008
	)	
Registrant.	)	

**PETITION TO CANCEL REGISTRATION**

Petitioner, Reliant Hospital Partners, LLC (“RHP”), with an address of 15851 Dallas Parkway, Suite 500 Addison, Texas, 75001, believes that it will be damaged by the continued registration of the mark covered by Registration No. 3,426,134 and hereby petitions to cancel the registration of said mark.

The Trademark Applications and Registrations Retrieval (TARR) report for Registration No. Registration No. 3,426,134 identifies Reliant Management Group, LLC (“Registrant”), a limited liability corporation with an address of Suite A, 11959 Bricksome Avenue, Baton Rouge, Louisiana, 70816, as the owner of said registration.

As grounds for the Petition, it is alleged as follows:

1. On May 13, 2008, Registrant registered the mark RELIANT REHABILITATION and Design as a service mark for “[p]hysical rehabilitation; [p]roviding physical rehabilitation facilities” in International Class 44 (Registrant’s Mark”).

2. On May 13, 2009, RHP filed an application for the mark RELIANT REHABILITATION HOSPITAL and Design, Serial Number 77/736,104, in International Class 44 for “[e]xtended acute care hospitalization services and skilled nursing facility providing inpatient and outpatient care consisting of treatment programs following a major illness, trauma, or surgery.” (“RHP’s Mark”).

3. On August 15, 2009, the Trademark Examiner issued an Office Action against RHP’s Mark citing a likelihood of confusion with Registrant’s Mark.

4. RHP will file with the Trademark Examiner a request to suspend further action against RHP’s Mark.

5. Upon information and belief, while Registrant offers other services, Registrant never used Registrant’s Mark in commerce in connection with the services identified as “[p]hysical rehabilitation,” or as “[p]roviding physical rehabilitation facilities,” prior to the application or registration dates, rendering the registration void.

6. RHP will be damaged by the continued registration of Registrant’s Mark in that RHP is using the mark RELIANT REHABILITATION HOSPITAL and Design in commerce and the registration of said mark is being impaired by the continued registration of Registrant’s Mark. Further, if Registrant’s Mark is permitted to remain on the Principal Register, with all the substantive and procedural benefits conferred by its status as a registration on the Principal Register, Registrant will enjoy unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946.

WHEREFORE, RHP prays that this Petition to Cancel be sustained in favor of RHP and that Registration No. 3,426,134 be cancelled.

/Deborah A. Wilcox/

Deborah A. Wilcox, Esq.  
Baker & Hostetler LLP  
1900 East Ninth Street  
3200 National City Center  
Cleveland, Ohio 44114-3485  
Telephone: (216) 621-0200  
Facsimile: (216) 696-0740  
E-mail: dwilcox@bakerlaw.com

Attorneys for Reliant Hospital Partners, LLC

502578781